

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENYA THOMAS and
TYANA MILLER,
Plaintiffs,

17-CV-8593 (JPO)

-v-

CITY OF NEW YORK, et al.,
Defendants.

ORDER

J. PAUL OETKEN, District Judge:

As discussed with the parties during the telephone conference held on August 30, 2022, the Court resolves the parties' dispute regarding what is not before the jury in this case by approving the following language, which the Court intends to read to the jury, subject to any further objections:

On February 2, 2017, members of the New York Police Department went to the apartment at 60 Moore Street, Apartment 6C, in Brooklyn, New York, to execute a search warrant. The search warrant had been lawfully issued by a judge and authorized the officers to enter the apartment without knocking to search for illegal narcotics. The search warrant carried with it the lawful authority to briefly detain any person found inside the apartment, and to do a limited pat-down search of their person. The plaintiffs were not the targets of the search warrant and were not charged with any crimes in connection with the search.

The lawfulness of the search warrant is not at issue in this trial. Also not at issue is whether the officers were permitted to do a limited search of the plaintiffs. The issue in this trial is the manner in which the plaintiffs were searched: that is, whether they were searched in an unreasonable manner.

SO ORDERED.

Dated: September 2, 2022
New York, New York



J. PAUL OETKEN
United States District Judge